

The attached Appendix includes marked-up copies of each rewritten paragraph (37 C.F.R. §1.121(b)(1)(iii)).

The Office Action rejects claims 1-45 under 35 U.S.C. §251 as being based upon a defective reissue declaration. Furthermore, the Office Action asserts that the reissue declaration filed with the application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. Finally, the Office Action asserts that the implied scope of "projection display apparatus" appears to be broader than "projector."

However, contrary to the Examiner's assertion, the scope of "projection display apparatus" used in the specification and claims is clearly narrower than that of the scope of a "projector." For example, a projection display apparatus includes a "display" device used with the projection display apparatus. However, a projector may not include a display device because this feature is not necessarily part of a "projector."

Accordingly, for the reasons discussed above, Applicants consider U.S. Patent No. 5,986,809 to be partly inoperative by reason of claiming less than Applicants had a right to claim because the original claims recite a "projection display apparatus" which is unduly limited and will not provide an adequate scope of protection that will be provided by reciting a "projector" in the claims. Therefore, Applicants assert that the reissue declaration filed with the application is not defective because the error which is relied upon to support the reissue application is an error upon which a reissue can be based.

Because the scope of protection for a projector provides a better scope of protection for U.S. Patent No. 5,986,809, Applicants amend the specification and Figs. 12-14 to replace "projection display device" with "projector."

Accordingly, Applicants respectfully request that the rejection of claims 1-45 under 35 U.S.C. §251 be withdrawn.

In view of the foregoing, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 - 45 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' attorney at the telephone number set forth below.

Respectfully submitted,



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JAO:RSE/srh

Attachment:

Substitute Specification  
Request for Approval of Drawing Corrections

Date: September 19, 2002

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